

## Public Informational Hearing

July 15, 2020

### **Q: What was purpose of the July 1, 2020 hearing?**

A: The department is using the environmental impact statement (EIS) tool for compliance with the WI Environmental Policy Act (<https://dnr.wi.gov/topic/EIA/WEPA.html>) to provide detailed information about the proposed project and its potential impacts and disclose that information for public input. Step 1 of an EIS process is to share a proposed outline for the scope of analysis and seek feedback. The July 1 hearing and associated comment period was about that scoping step.

At the same time, the department also needed to provide notice that we have a pending permit application related to wetland and waterway impacts proposed to construct the pipeline. State statutes have specific requirements associated with public hearings on pending applications, including the language used in the public notice. The department opted to use one hearing to address both EIS scoping and the pending permit application.

### **Q: How many people commented at the hearing and during the comment period?**

A: Approximately 70 people testified during the hearing, and approximately 1,600 offered written comments.

### **Q: Why did the department state in its June 8, 2020 public notice that the application is complete?**

The purpose of the public notice of a pending application is to alert the public that the department has received an application for a permit and to provide early opportunity for the public to comment on what is in the application.

Under s. NR 310.14(3), Wis. Adm. Code, the term “complete” means that the applicant has submitted all of the materials required as part of application instructions. A determination that an application is complete is not a judgement that the content or substance of the required materials is accurate or sufficient to prove that the activity meets the standards to obtain a permit.

The department will continue to work with the applicant until sufficient information and details have been provided to substantiate a decision to approve or deny the permit.

### **Q: Why did the public notice state that the department has made a tentative determination to approve the waterway and wetland permit with modifications?**

A: The department recognizes the concerns expressed about this statement in the public hearing notice.

The purpose of the public notice is to notify the public about a pending application. By statute (s. 30.208(5)(b)4, and 281.36(3p)(b)5, Wis. Stats.), the notice must include a statement of tentative determination to either issue, modify or deny the permit. This statement is simply a legal description of the permit's status at the time of the hearing and does not constitute a final decision. No permit decisions will be made until after the EIS process is complete.

The department will continue to collect information from the applicant and from the public through the EIS process to inform its decision making. Project information, including a description on how to access all application materials, is available at <https://dnr.wi.gov/topic/eia/enbridge.html>. Again, no department permit decisions will be made until after the EIS process is complete.

**Q: Has the department determined it will issue a permit to Enbridge?**

A: No. The department is continuing to review and analyze application materials and resource data and will develop an EIS. Once the draft EIS is available, the department will hold another public hearing to solicit comments before finalizing the EIS. Only after the EIS is finalized can the department make a final decision to approve or deny the waterway and wetland permit.

**Q: Will there be other chances for public comment?**

A: Yes. The department will announce the release of a draft EIS sometime later this year. The public will have an opportunity to provide verbal comments at a hearing and written comments during the announced comment period. With those comments, the department will finalize the EIS and provide a response to the comments received. All this information will be available at <https://dnr.wi.gov/topic/eia/enbridge.html>.